

## Article - Environment

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§7–501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Active enforcement” means after the Department has issued a notice of violation, order, consent order, or other enforcement action of the Department and until completion of activities required by that action.

(2) For purposes of paragraph (1) of this subsection, “other enforcement action” does not include a site complaint.

(c) “Applicant” means a person who applies to participate in the Voluntary Cleanup Program.

(d) “Background level” means the level of a substance occurring naturally at the site prior to any manmade spill or release.

(e) “Contamination” means a release, discharge, or threatened release of:

(1) A controlled hazardous substance, as defined in § 7–201 of this title; or

(2) Oil, as defined in § 4–401 of this article.

(f) “Eligible applicant” means:

(1) A responsible person who has not knowingly or willfully violated any law or regulation concerning controlled hazardous substances; or

(2) An inculpable person.

(g) (1) “Eligible property” means property that is contaminated or perceived to be contaminated.

(2) “Eligible property” does not include property that is:

(i) On the national priorities list under § 105 of the federal act;

(ii) Except as provided in paragraph (3)(i) of this subsection, under active enforcement; or

(iii) Subject to a controlled hazardous substances permit issued in accordance with this title.

(3) (i) “Eligible property” includes a site under active enforcement if:

1. All applications filed in connection with the property are filed by inculpable persons; and

2. Any response action plan and cleanup criteria approved by the Department under this subtitle is at least as protective of public health and the environment as the requirements of any outstanding active enforcement action.

(ii) “Eligible property” includes sites listed on the Comprehensive Environmental Response, Compensation, and Liability Information System.

(h) “Federal act” has the meaning stated in § 7–201(j) of this title.

(i) “Imminent and substantial endangerment” means a release or threatened release of a hazardous substance that may pose a risk of significant harm to the public health or the environment at some foreseeable time in the future and is not limited to an emergency situation.

(j) (1) “Inculpable person” means a person who:

(i) Has no prior or current ownership interest in an eligible property at the time of application to participate in the Voluntary Cleanup Program; and

(ii) Has not caused or contributed to contamination at the eligible property at the time of application to participate in the Voluntary Cleanup Program.

(2) “Inculpable person” includes:

(i) A successor in interest in an eligible property acquired from an inculpable person, as defined in paragraph (1) of this subsection, if the successor in interest does not have a prior ownership interest in the eligible property and, other than by virtue of ownership of the eligible property, is not otherwise a responsible person at the eligible property; and

(ii) Notwithstanding paragraph (1)(i) of this subsection, a person who is not considered a responsible person under § 7–201(t)(2) of this title.

(k) “Participant” means an applicant accepted into the Voluntary Cleanup Program.

(l) “Previously undiscovered contamination” means contamination at an eligible property which was not identified or addressed in a notice of no further requirements or response action plan.

(m) “Program” means the Voluntary Cleanup Program established under this subtitle.

(n) “Responsible person” has the meaning stated in § 7–201(t) of this title.

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